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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,571	01/24/2002	Michael Maguire	P 0290479 DKT. 12NP	3445
909	7590	02/13/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			RUDDOCK, ULA CORINNA	
P.O. BOX 10500				
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.


**Office Action Summary**

Application No.

10/053,571

Applicant(s)

MAGUIRE, MICHAEL



Examiner

Ula C Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 14-16 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 9-13, 17-21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed October 7, 2003.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Election/Restrictions*

3. Applicant's election of Species I is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Claim Rejections - 35 USC § 102*

4. Claims 1-5, 9-13, 17-21, and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sicard (US 3,674,154). Sicard discloses a filtration apparatus. The filtering member comprises a woven wire mesh (i.e. a metal mesh) wherein the layers are bonded together by brazing or sintering or welding (col 1, ln 55-65). With regard to claims 25-28, it should be noted that a screen inherently has a first plurality of filaments extending in a first direction and a second plurality of filaments extending in a second direction. Furthermore, because Sicard discloses a second mesh layer (col 1, 60-63) or an "outer layer," the Examiner is equating the outer perforated metal layer to the first and second reinforcing structure of the present invention. *Rejection is maintained.*
5. Claims 1-5, 9-13, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Koehler (US 4,613,369). Koehler discloses porous metal articles find particular use as filters

(abstract). The filter comprises woven wire mesh (col 2, ln 21-23). The mesh is preferably a metal wire mesh screen (col 2, ln 38-40). The porous articles may be joined and formed into various shapes by brazing and melding (col 9, ln 35-39). *Rejection is maintained.*

6. Claims 1-5, 9-13, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Webb et al. (US 5,373,615). Webb et al. disclose a filtration screen wherein the screen is made with filaments that have been coated with brass and have been woven into a mesh to form the screen (abstract). The wire filaments are made of carbon steel wires (col 2, ln 25-26). With regard to claims 2, 3, 10, 11, 18, and 19, it should be noted that the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. *Rejection is maintained.*

### ***Response to Arguments***

7. Applicant's arguments filed October 7, 2003, have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that none of the references, i.e. Sicard, Koehler, nor Webb et al., disclose reinforcing elements in the cross-machine or machine direction. These arguments are not persuasive because by definition, according to *Fairchild's Dictionary of Textiles*, a mesh is "any fabric which is characterized by open spaces between the yarns." Furthermore, a scrim is also known as a mesh, and a scrim is defined as a "fabric made of two sets of yarns laid on top of one another." Therefore, all the references disclose reinforcing elements, i.e. wire, filaments, fibers, in the cross-machine or machine direction.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C Ruddock whose telephone number is 703-305-0066. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

UCR *UCR*

*Ula Ruddock*  
**Ula C. Rudd k**  
Primary Examiner  
Tech Center 1700